

## REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 6, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 6, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

**PRESENT:** Council Members William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting a Closed Session to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss personnel matters relating to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson White, Harris, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-CITY MANAGER-CITY PROPERTY:** A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before Council.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

At 12:20 p.m., the Mayor declared the meeting in recess to be reconvened in the Council's Conference Room for the purpose of holding one Closed Session which was previously approved by Council.

At 1:30 p.m., the Mayor declared the meeting in recess to be reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on the City of Roanoke Pension Plan and fiscal year 2002 revenues, with potential changes to proposed fiscal year 2003.

At 1:35 p.m., the meeting reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing with regard to the City of Roanoke Pension Plan, with Mayor Smith presiding and all Members of the Council in attendance.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**PENSIONS:** The Director of Finance introduced a briefing in regard to changes to the City's Pension Plan. He called upon Harold R. Harless, Acting Retirement Administrator, for a detailed briefing.

Mr. Harless advised that in 1926, the City of Roanoke established its first retirement system - Police and Fire system; in 1946, the second retirement system, the Employees Retirement System governing police and fire, as well as other employees of the City was established; and in 1984, a third system was created, the Employees Supplemental Retirement System. He stated that subsequent to the 1984 restatement, numerous changes have been made to Chapter 22.1 of the City Code; and a required amendment of all IRS qualified plans provided an opportunity to restate the Plan to increase ease of understanding and administration, the result of which was a better organized and more user-friendly Plan document.

He stated that the Plan has evolved from a single employer plan to a multiple employer plan; participating employers are clearly identified; i.e.: City of Roanoke, Roanoke Regional Airport Commission, Roanoke Valley Resource Authority, Roanoke Valley Juvenile Detention Commission and Roanoke City Schools (Food Service/Maintenance employees); and composition of the Board of Trustees is as follows: two Trustees who are members of the Plan and who are employees of the City, other than an employee of the Police or Fire Department; and one Trustee who is a member of the Plan and an employee of the Police or Fire Department. He explained that a proposed amendment to Board composition provides for two Trustees who are members of the Plan and an employee of a participating Employer (only one of the two may be an employee of a participating Employer other than the City), and a Trustee from the Police or Fire Department remains unchanged.

It was explained that further clarification of ESRS of Average Final Compensation provides that clarifying language has been added to avoid penalizing members who have a break in service, and months in which no Creditable Service is earned are not included in the 36 consecutive month period of Earnable Compensation used to calculate Average Final Compensation; and the term "duty", with regard to disability retirement, as used in the existing Plan, has been replaced with more appropriate terminology, i.e.: "further performance of any gainful employment for which the Member is qualified with his most recent Participating Employer".

It was noted that currently, the City Code defines the actuarial cost method to be used to determine the employer contribution rate; however, the restated Plan allows the Pension Plan Board of Trustees to adopt a generally accepted actuarial cost method to be utilized for determination of the employer contribution rate.

With regard to the Actuarial method to determine employer contributions, Mr. Harless stated that the Board of Trustees has proposed a change from the actuarial cost method required under the current Code; and the proposed actuarial cost method minimizes the potential for significant fluctuation in the required employer contribution in a given year.

He explained that the current actuarial method to determine employer contributions is: aggregate method used if Plan has no unfunded liability, recommended contribution rate of 7.15 per cent, entry age normal method used if unfunded liability, if unfunded liability, recommended contribution rate of 11.77 per cent; and the proposed actual method is: projected unit credit method, recommended contribution rate incorporating revised assumptions from experience study of 5.89 per cent; and cost method does not change if there is a change unfunded status.

It was further explained that the Economic Growth and Tax Relief Reconciliation Act of 2001 made legal the purchase of prior service credit utilizing a trustee to trustee transfer of assets; and restatement allows members of the Plan to purchase eligible prior service utilizing assets from their Deferred Compensation Plan.

In closing, Mr. Harless advised that the IRS Determination Letter filing deadline is June 30, 2002.

At 1:58 p.m., the Mayor declared the Council meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building.

At 2:00 p.m., on Monday, May 6, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

**PRESENT:** Council Members William H. Carder, Linda F. Wyatt, W. Alvin Hudson, Jr., William White, Sr., C. Nelson Harris, William D. Bestpitch and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by The Reverend Edward T. Burton, Pastor, Sweet Union Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PRESENTATIONS AND ACKNOWLEDGMENTS:**

**ACTS OF ACKNOWLEDGEMENT-COMMITTEES-HOUSING/AUTHORITY-DECEASED PERSONS:** Mr. Carder offered the following resolution memorializing the late Willis M. "Wick" Anderson, a former Mayor of the City of Roanoke:

**(#35824-050602) A RESOLUTION memorializing the late Willis M. "Wick" Anderson, a former Mayor of the City of Roanoke.**

**(For full text of Resolution, see Resolution Book No. 65 page 549.)**

**Mr. Carder moved the adoption of Resolution No. 35824-050602. The motion was seconded by Ms. Wyatt and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**The Mayor presented a ceremonial copy of the above referenced measure to Ms. Gerry Keister, cousin of the late Mr. Anderson.**

**LANDMARKS/HISTORIC PRESERVATION: The Mayor presented a proclamation declaring the week of May 12-18, 2002, as National Historic Preservation Week.**

**ACTS OF ACKNOWLEDGEMENT- ECONOMIC DEVELOPMENT: The Mayor presented a proclamation declaring the week of May 12-18, 2002, as Business Appreciation Week.**

**TOURISM: The Mayor presented a proclamation declaring the week of May 5-11, 2002, as National Tourism Week.**

**YOUTH: The Mayor presented a proclamation declaring the month of May 2002 as Childhood Early Intervention Month.**

**ACTS OF ACKNOWLEDGEMENT: Council Member Harris introduced representatives of Faith Christian School, sponsors of the Faith Walk, a community service project that will also benefit the City of Roanoke, which will be held on Friday, May 10, 2002.**

**Bret Jones, student leader associated with the annual fund raiser, advised that for the past three years, Faith Christian School has held a walk-a-thon in which students have solicited sponsors; however, this year, participants will be mulching the trail at Fishburn Park as a dual fund raiser and community project.**

**On behalf of the City of Roanoke, Council Member Harris presented Head Master Sam Cox with a City of Roanoke brass paper weight star.**

## **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meetings of Council held on Monday, April 1, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Hudson moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**PURCHASE/SALE OF PROPERTY-EASEMENTS-APPALACHIAN POWER COMPANY-PARKS AND RECREATION-FLOOD REDUCTION/CONTROL-UTILITY LINE SERVICES-AMERICAN ELECTRIC POWER:** A communication from the City Manager advising that pursuant to the requirements of the Code of Virginia (1950), as amended, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights; was before Council.

The City Manager requested that Council authorize advertisement of a public hearing for Monday, May 20, 2002, at 7:00 p.m., on as soon thereafter as the matter may be heard, with regard to easements **FOR RELOCATION OF American Electric Power** transmission and distribution lines Roanoke River Flood Reduction Project.

Mr. Hudson moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

**NAYS:** None-----0.

**OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES:** A report of qualification of Erin Garvin for a term ending March 31, 2003; Anita L. Lee for a term ending March 31, 2004; David Walton and Onzlee Ware for terms ending March 31, 2005, as members of the Parks and Recreation Advisory Board, was before Council.

Mr. Hudson moved that the reports of qualification be received and filed. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith -----7.

**NAYS:** None-----0.

### **REGULAR AGENDA**

**COMMITTEES-SCHOOLS:** The Mayor advised that on July 1, 2002, there will be two vacancies on the Roanoke City School Board for terms of three years, each, commencing July 1, 2002 and ending June 30, 2005; and the following persons were interviewed by Council for the positions on Thursday, April 18, 2002, said interviews having started at 4:30 p.m., in the City Council Chamber:

Carl D. Cooper  
Edward Garner  
William H. Lindsey  
William E. Skeen  
Robert J. Sparrow

The Mayor opened the floor for nominations for the two vacancies.

Mr. Hudson placed in nomination the name of William E. Skeen.  
Mr. White placed in nomination the name of Robert J. Sparrow.  
Mr. Carder placed in nomination the name of Edward Garner.

There being no further nominations, Messrs. Skeen and Sparrow were appointed as Trustees of the Roanoke City School Board for terms of three years, each, commencing July 1, 2002 and ending June 30, 2005, by the following vote:

**FOR MR. SKEEN:** Council Members Carder, Hudson, White, Harris, Bestpitch, Wyatt and Mayor Smith-----7.

**FOR MR. SPARROW:** Council Members Wyatt, Hudson, White, Harris and Bestpitch-----5.

**FOR MR. GARNER:** Vice-Mayor Carder and Mayor Smith-----2.

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS:**

**PARKS AND RECREATION-FESTIVAL IN THE PARK:** Stuart Israel, Executive Director, Festival in the Park, advised that Festival season 2002 is in full swing, with events like the Celtic Festival, Chili Cook Off, and Local Colors, and in approximately 18 days the 33rd Annual Festival in the Park kicks off with an activity at Victory Stadium. He stated that many people view Festival as an event of the City of Roanoke and the City deserves much credit for its success; Festival has brought thousands of people to downtown Roanoke to enjoy art, crafts, music, theater, children's activities and sports; and Festival is completely self-supporting, however, the City has provided in kind support as a major sponsor. He added that with the current level of City support and in kind services, for every dollar spent by the City in in kind contributions, Festival returns in excess of \$1.50. In appreciation of the City's support, he presented Festival in the Parks buttons which will admit Council Members to all Festival activities from May 24 - June 2, 2002.

Without objection by Council, the Mayor advised that the remarks of Mr. Israel would be received and filed.

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS:**

**POLICE DEPARTMENT- GRANTS:** The City Manager introduced a briefing on the V-STOP program; whereupon, she called upon Pam Gold, Domestic Violence Specialist, for remarks.

Ms. Gold presented a video prepared by RVTV on the V-STOP program, and advised that the City of Roanoke received V-STOP funds from 1999 to date; i.e.: \$18,000.00 in 1999, \$33,000.00 in 2000, \$33,000.00 in 2001, and \$27,000.00 in 2002. She presented photographs of domestic violence victims for viewing by Council only, and explained that the grant allows for such photographs and other evidence to aid in the prosecution of misdemeanor and felony domestic assault cases. She stated that evidence collected is critical for prosecution in these types of cases because witnesses are rarely present during the assault; and many cases are dismissed in court because of the unwillingness of the victim to testify in the presence of the abuser. She explained that police responded to 6,511 domestic disorder calls for service in 2001, 1,402 of which were forwarded to her office for follow up, 786 were simple assaults, 67 were aggravated assaults, 63 per cent of the



victims received some type of injury during the assault and 82 per cent were female; and in addition in 2001, detectives in the criminal investigation bureau spent a total of 2,034 hours investigating felony domestic related crimes. She advised that in coordination with U. S. Cellular, 40 cellular and digital phones are currently in use; approximately 25 per cent of the victims in Roanoke City do not have residential telephone service, therefore, these phones are vital for communication during an emergency; and victims are referred to other area agencies for additional service such as counseling, shelter and legal advice.

Without objection by Council, the Mayor advised that the briefing would be received and filed.

#### **ITEMS RECOMMENDED FOR ACTION:**

**POSTAL SERVICES:** The City Manager submitted a communication advising that in an effort to provide postage services in the most cost efficient manner, specifications were developed and an Invitation for Bids were forwarded to seven postal processing firms; and the bid was publicly advertised in accordance with Chapter 23.1, Code of the City of Roanoke, (1979), as amended.

It was further advised that the lowest responsible bidder meeting specifications was Automated Mailing Systems, Inc.; based on the bid per piece of mail processed at \$.025, plus a one per cent additional fee for front funding actual postage cost paid by the vendor, annual cost of the contract would be approximately \$19,150.00; and funding for payment of the contract is available in individual department/division postage Account No. 2160.

The City Manager recommended that she be authorized to award the bid and enter into a one-year agreement, with the option to renew for four additional one year periods, with Automated Mailing Systems, Inc., for provision of postage metering, bar coding and presort services, at a contract price of \$.025 per piece of mail processed, plus a one per cent additional fee for front funding actual postage cost paid by the vendor, or approximately \$19,150.00 per year; and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35825-050602) A RESOLUTION accepting the bid of Automated Mailing Systems, Inc., made to the City for providing outbound postage service, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such services; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 65, page 551.)

**Mr. Carder moved the adoption of Resolution No. 35825-050602. The motion was seconded by Mr. Bestpitch and adopted by the following vote:**

**AYES: Council Members Carder, Hudson, White, Harris, Bestpitch and Mayor Smith -----6.**

**NAYS: Council Member Wyatt-----1.**

**ZONING-CONSULTANTS REPORTS: The City Manager submitted a communication advising that according to Section 15.2-2285, Code of Virginia, 1950, as amended, "the planning commission of each locality may, and at the direction of the governing body shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district."**

**It was further advised that the last major revision of the City's zoning ordinance was in 1987; in 2001, Council adopted a new Comprehensive Plan, Vision 2001-2020; revisions to the zoning ordinance are needed to provide development and land use tools to implement the plan's recommendations; and development of the new zoning ordinance will include a comprehensive review of the existing zoning ordinance, consideration of future goals for the City as established in *Vision 2001-2020*, coordination of public participation processes, and development of new land use regulations that encourage quality development and traditional development patterns that comprise a significant part of the City.**

**It was stated that with approval of a September 4, 2001, Council report, Budget Ordinance No. 35556-090401 appropriated \$100,000.00 for funding to provide for professional assistance to update the Zoning Ordinance; and as such, funding in the amount of \$99,974.00 is available in Account No. 008-610-9901-9132.**

**It was advised that a Request for Proposal was advertised and notices were sent to national firms known to have an expertise in this area; five written proposals were received and three firms were selected for interviews by the team; the proposal chosen is the venture of the qualified firm of Freilich, Leitner and Carlisle ("Consultant") and the firms of Planning Works, LLC, and The Lawrence Group will serve as subconsultants; and scope of services has been negotiated and consists of the following three phases to be completed in an estimated 15-month timeframe:**

**Phase I - Reconnaissance (June, 2002 – September, 2002)  
General orientation, data compilation, Reconnaissance Report, and Annotated Code Outline.**

**Phase II – Ordinance Draft (October, 2002 – May, 2003)  
Drafting of Zoning Ordinance document and document review.**

**Phase III – Adoption (June, 2003 – August, 2003) Planning Commission public hearing and recommendations; City Council public hearing and recommendations; and incorporation of final revisions into Zoning Ordinance as approved and adopted by City Council.**

**It was pointed out that the negotiated cost of the project is \$99,974.00 and includes a camera-ready original for the City, including a digital writeable copy containing properly formatted text and all graphic illustrations contained in the ordinance.**

**The City Manager recommended that Council accept the proposal of Freilich, Leitner & Carlisle (“Consultant”), with Planning Works, LLC, and The Lawrence Group as subconsultants, and that the City Manager be further authorized to execute an agreement with the consultant, approved as to form by the City Attorney, for the above described planning services.**

**Mr. Carder offered the following resolution:**

**(#35826-050602) A RESOLUTION accepting the proposal of Freilich, Leitner and Carlisle, with the firms of Planning Works, LLC, and The Lawrence Group Architects of North Carolina, Inc., as subconsultants, for professional assistance in updating the City of Roanoke’s zoning ordinance, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; and rejecting all other proposals made to the City for the work.**

**(For full text of Resolution, see Resolution Book No. 65, page 552.)**

**Mr. Carder moved the adoption of Resolution No. 35826-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith -----7.**

**NAYS: None-----0.**

**PARKS AND RECREATION-REFUSE COLLECTION-EQUIPMENT: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace three trucks for the Transportation Division of the Public Works Department; specifications were developed and, along with an Invitation for Bid, were sent to 11 providers; and the bid was publicly advertised in accordance with Chapter 23.1 of the Code of the City of Roanoke (1979), as amended .**

It was further advised that the lowest bid for three landscape maintenance cab/chassis and bodies was submitted by Super Lawn Truck, Inc., which bid met all specifications, at a price of \$54,912.83 per unit; and funding is available from Lease of Vehicle Account No. 017-440-9852-9015.

The City Manager recommended that Council award the bid for three landscape maintenance trucks to Super Lawn Truck, Inc., at a total cost of \$164,738.49; and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35827-050602) A RESOLUTION accepting the bid of Super Lawn Truck, Inc., for the purchase of three new landscape maintenance cab/chassis and bodies, upon certain terms and conditions; and rejecting all other bids made for such items.

(For full text of Resolution, see Resolution Book No. 65, page 553.)

Mr. Carder moved the adoption of Resolution No. 35827-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

The Mayor called attention to the submittal of only one completed bid, and advised that with an expenditure of this magnitude, there should be more than one bidder on the cab/chassis and landscape maintenance bodies. He stated that there may be a flaw in the purchasing process if the City is unable to attract more than one bid on a \$164,000.00 purchase.

**BUDGET-TELEPHONE COMPANIES-TELEPHONE EQUIPMENT:** The City Manager submitted a communication advising that the State of Virginia mandated that localities take responsibility for answering wireless E911 calls instead of routing the calls for response by the State Police; the Virginia State Wireless E911 Services Board provides funding to the localities for staffing and equipment to provide the service; and the State currently collects 75 cents per month for each wireless telephone user to fund localities for expenses for the services.

It was further advised that on December 12, 2001, the Virginia State Wireless E911 Services Board awarded the City of Roanoke an additional \$349,790.00 to complete Phases I and II for fiscal year 2001/2002; Wireless Phase II, which provides the location of the caller, is scheduled for implementation on October 1, 2002; and there is no requirement for matching funds.

The City Manager recommended that Council appropriate \$44,000.00 to E911 Center No. 001-430-4130-2020 for E911 Telephone Bill funding; and appropriate \$305,790.00 to an account to be established by the Director of Finance for funding upgrades to software and hardware.

Mr. Carder offered the following emergency budget ordinance:

(#35828-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Department of Technology Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 554.)

Mr. Carder moved the adoption of Ordinance No. 35828-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-ANIMALS/INSECTS:** The City Manager submitted a communication advising that the Roanoke City Police Department's Mounted Patrol Unit was formed in 1993; the Mounted Patrol Unit has relied on numerous donations to maintain its operations; in July, 2000, Ms. Diane Dominguez of Palm City, Florida, donated two Friesian horses to the program; and both horses have been trained and are utilized by the Mounted Patrol Unit.

It was further advised that Ms. Dominguez has offered to donate another Friesian horse to the Mounted Patrol Unit, which is a three-year old gelding, docile, and suitable for police training, valued at \$30,000.00; accepting the additional horse would allow the retirement of one of the Unit's older mounts; and City Code Section 2-263 requires action by Council to approve acceptance of gifts exceeding \$5,000.00 in value.

The City Manager recommended that Council authorize acceptance of a Friesian horse from Ms. Diane Dominguez of Palm City, Florida.

Mr. Bestpitch offered the following resolution:

(#35829-050602) A RESOLUTION accepting the donation of a Friesian horse for use by the City's Mounted Patrol Unit of the Police Department, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 65, page 555.)

**Mr. Bestpitch moved the adoption of Resolution No. 35829-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**LIBRARIES-OUTDOOR DINING: The City Manager submitted a communication advising that the Roanoke Public Library wishes to enter into a contractual agreement with an individual or restaurant corporation to operate a coffee shop on the lower level of the Main Library, off Bullitt Avenue, with both indoor and outdoor areas, and the vendor will be required to:**

**make any needed renovations, including furnishings, to the existing space to make it suitable for a coffee shop;**

**be responsible for maintenance, repairs, and upkeep;**

**pay minimal rent and/or a small percentage of profits to the library system;and**

**adhere to all other conditions specified in the contract.**

**It was further advised that the Code of Virginia, 1950, as amended, Section 63.1-155, requires that the Department for the Blind and Visually Impaired have first priority in assuming the operation of such a facility in a public building; if the Department chooses not to exercise this option, the City will issue a Request for Proposals; although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above referenced service, since the experience, qualifications, and references of individuals and/or corporations that can provide the above listed service are of primary importance; the highest quality of service (food, pricing, operations, and environment) is desired for library customers, in order to have a successful operation; therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of these services.**

**It was pointed out that the City Code provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation"; prior approval by Council is necessary before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.**

**The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors to provide the appropriate services.**

**Mr. Bestpitch offered the following resolution:**

**(#35830-050602) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of an operator of coffee shop services for the Main Library; and documenting the basis for this determination.**

**(For full text of Resolution, see Resolution Book No. 65, page 557.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35830-050602. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**GRANTS-CITY INFORMATION SYSTEMS-LIBRARIES-SCHOOLS: The City Manager submitted a communication advising that in the fall of 2001, the Roanoke Public Libraries applied to the Library of Virginia for a grant that would fund a program for middle and high school age students to be trained to assist library patrons in using computers in the Main Library and in branch libraries; a grant in the amount of \$5,000.00 was awarded; in the fall of 2001, the Roanoke Public Libraries applied to the Library of Virginia for an additional grant that would enable the creation of a library website, and a grant of \$5,000.00 was awarded.**

**It was further advised that the PC Navigators grant will help the library meet the diverse needs of patrons whose computer skills and knowledge vary widely and will help teen participants to reinforce computer skills required by the Virginia Standards of Learning, learn to provide meaningful service to others, and develop interpersonal skills; and the grant provides funding for small stipends for program participants.**

**It was explained that the library website grant will enable the library to broaden its customer reach by offering online information on the different library departments and their services, including circulation (new acquisitions and material reviews), reference (links to online research databases and reference question email), the Virginia Room, the Afro-Lee Americana Collection, library programs, Friends of the Library, and other updates; additional links on the website would**

include lifelong learning opportunities, pertinent local information, cultural events, and other aspects relating to the uniqueness of the Roanoke Valley; and a web site will also serve as a marketing tool, positioning the library as a state of the art facility.

The City Manager recommended that Council accept the two grants from the Library of Virginia and appropriate funding from each to revenue and expenditure accounts to be established in the Grant Fund.

Mr. Carder offered the following emergency budget ordinance:

**(#35831-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 65, page 558.)**

Mr. Carder moved the adoption of Ordinance No. 35831-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

Mr. Carder offered the following resolution:

**(#35832-050602) A RESOLUTION accepting a Library PC Navigators Grant and a Library Website Grant from the Library of Virginia.**

**(For full text of Resolution, see Resolution Book No. 65, page 559.)**

Mr. Carder moved the adoption of Resolution No. 35832-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**AUDITS/FINANCIAL REPORTS-DIRECTOR OF FINANCE: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of March 2002.**

There being no questions, and without objection by Council, the Mayor advised that the Financial Report would be received and filed.



## **REPORTS OF COMMITTEES:**

**AUDITS/FINANCIAL REPORTS-BUDGET-ANNUAL REPORTS-COMMITTEES-CABLE TELEVISION:** A communication from Council Member W. Alvin Hudson, Jr., Council's Representative to the Roanoke Valley Cable Television Committee, transmitting the Roanoke Valley Cable Television Annual Budget for Fiscal Year 2002-03, totaling \$267,885.00, with the City's contribution totaling \$147,337.00, was before the body .

It was advised that the City of Roanoke, the County of Roanoke, and the Town of Vinton jointly operate Roanoke Valley Television (RVTV); initial equipment and facilities for the television station were funded through a \$480,000.00 capital grant from Cox Communications; the station is located at the Jefferson Center and currently employs five full-time staff members; and staff produces videos and shows for local governments and school systems for cable casting, along with government meetings, on Cox Communications' Channel 3.

It was further advised that on June 8, 1992, Council approved the Roanoke Regional Cable Television Agreement, which requires that the RVTV Operating Budget be approved by the governing bodies of the city, the county, and the town; funding for the Operating Budget is shared by the three governments, based on the annual proportion of Cox subscribers located in each jurisdiction; and the Roanoke Regional Cable Television Committee approved the RVTV Operating Budget for Fiscal Year 2002-03 at its April meeting, which amounts to \$267,885.00 and is a 0.99 per cent decrease from the current years budget of \$269,616.00.

It was noted that Cox Communications paid a five per cent franchise fee to the local governments in 2001, which amounted to \$1,718,936.00; the local governments have traditionally agreed to allocate up to 20 per cent of the franchise fees collected to the RVTV Operating Budget; for the coming year, that amount would be \$343,787.00; and RVTV's requested budget of \$267,885.00 is \$75,902.00 less than that amount.

<u>Locality</u>	<u>Subscribers</u>	<u>Percentage (%)</u>
City of Roanoke	32,332	55
Roanoke County	23,214	40
Town of Vinton	2,727	5

It was pointed out that each locality's contribution to the Operating Budget would be as follows:

<u>Locality</u>	<u>Contribution</u>
City of Roanoke	\$147,337.00
Roanoke County	\$107,154.00
Town of Vinton	\$13,394.00

On behalf of the City's representatives to the Roanoke Valley Cable Television Committee, and as Council's representative to the committee, Council Member Hudson recommended that Council approve the proposed RVTV budget for Fiscal Year 2002-03, in the amount of \$267,885.00, with the City's contribution totaling \$147,337.00.

Mr. Hudson offered the following resolution:

(#35833-050602) A RESOLUTION approving the recommendation of the Roanoke Valley Regional Cable Television Committee to approve the annual operating budget for Fiscal Year 2002-2003 for the operation of the regional government and educational access station, Roanoke Valley Television (RVTV), Channel 3, and for the City to provide partial funding.

(For full text of Resolution, see Resolution Book No. 65, page 560.)

Mr. Hudson moved the adoption of Resolution No. 35833-050602. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting that Council approve appropriation of \$104,255.00 from the Capital Maintenance and Equipment Replacement Fund, said funds to be used for the purchase of instructional technology requests, replacement of a transportation fuel truck, facility maintenance requirements, elementary physical education equipment and improvements, and facility improvements at Woodrow Wilson Middle School, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35834-050602) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and School Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 561.)

**Mr. Bestpitch moved the adoption of Ordinance No. 35834-050602. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**UNFINISHED BUSINESS: None.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**ZONING: Ordinance No. 35818 amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409 and rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, to C-2, General Commercial District; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, having previously been before the Council for its first reading on Monday, April 15, 2002, read and adopted on its first reading and laid over, was again before the body, Mr. Harris offering the following for its second reading and final adoption:**

**(#35818) AN ORDINANCE: amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409 and rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, to C-2, General Commercial District; and rezoning Official Tax No. 2761421 from RS-3, Residential Single-Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner.**

**Mr. Harris moved the adoption of Ordinance No. 35818. The motion was seconded by Mr. Carder.**

**Mr. Mike Shepherd, 829 Virginia Avenue, N. W., business owner in the City of Roanoke, advised that Mr. Wells has come before Council with little or no regard for the neighborhood or its residents, he does not live in the neighborhood and could care less how he treats the people who reside there. He stated that Mr. Wells' request was denied by the City Planning Commission, therefore, why is he appearing before Council. He added that Mr. Wells was told by the City not to excavate his lot, but he did so anyway; and he was told not to come before Council for further expansion, yet his request is under consideration. He stated that if Mr.**

**Wells wishes to expand his business, he should relocate to an area that is currently zoned for a car wash facility. In view of the current water shortage, he advised that expansion of the car wash operation will compound the problem, and asked that Council deny the request.**

**Ms. Betty McCormack, 3826 Virginia Avenue, N. W., advised that residents have appeared before Council on the same subject on several occasions. She stated that she has lived in the neighborhood since 1958 and witnessed many changes, but expansion of Mr. Wells business is not in the best interest of the neighborhood. She added that the business is too close to the intersection of Melrose Avenue and Westside Boulevard, and Mr. Wells stops traffic on Westside Boulevard to move vehicles in and out of his building, which could lead to a serious traffic accident. She stated that vehicles are parked at Fairview Methodist Church, on the lot next to her home, and at the Stop In convenience store; and water runs down the curb to the drain at Melrose Avenue. She advised that Mr. Wells was authorized to engage in the business of car detailing, but referred to photographs of tractors, boats, mobile homes and a police car that have been washed at his establishment. She advised that if his current location is not large enough, he should relocate elsewhere on property that is appropriately zoned.**

**Mr. Fred Galloway, 3402 Kershaw Road, N. W., advised that he has known Mr. Wells for over 30 years and he is a hardworking, Christian gentleman, who operates his business in an efficient manner, with no loud noise, and observes regular working hours. He asked that Mr. Wells be allowed to continue to expand his business.**

**Vice-Mayor Carder advised that Mr. Wells has requested expansion of his business on several occasions. He expressed concern with regard to the encroachment by businesses into residential areas, and advised that if Mr. Wells wishes to expand his business, he should look at locations that are currently zoned for this type of business. For the above reasons, he stated that he intends to vote against the request.**

**Mr. Bestpitch advised that in 1994, Mr. Wells approached City Council regarding two tax parcels that he owns, across the front of which one house has been constructed on Virginia Avenue, and in 1994, only the back portion of one of the residential parcels was rezoned. He stated that the measure currently before Council rezones all of both tax parcels to C-2, General Commercial District, therefore, anyone who might decide at some point in the future that they wanted to purchase the house to live in at such time as Mr. Wells reaches the age where he can no longer maintain the property, would not be able to obtain a mortgage to purchase the house as a residence because, if the ordinance currently before Council is adopted, the house would not be zoned for residential purposes. He asked that Members of Council recognize what they will be doing to the neighborhood, to the house and to the future of the City and cast their vote against the ordinance.**

**The Mayor called attention to an individual who some time ago, operated an establishment in the area whose main business was in illegal activities, and advised that he hoped there is not a misconception by assuming that if an individual has a successful car washing business, there must be illegal activities involved. He noted that it has been stated that when Mr. Wells came before the Council on previous occasions, there was an understanding that there would be no further expansion of his business; however, that statement is not reflected in the minutes of Council as a motion adopted by the Council. He stated that he has visited Mr. Wells establishment on several occasions, everything has been in order and he was impressed with Mr. Wells ambition and motivation to make his business a success. He added that if there is illegal activity, he would encourage residents and other citizens to report incidents and prosecute to the fullest extent of the law by bringing evidence to the attention of the Police Department. He stated that he will support the request of Mr. Wells until he sees evidence to the contrary.**

**Mr. Bestpitch advised that he was not sure who the Mayor intended to impugn with his comments. He stated that he found the comments to be inappropriate for a City Council meeting and asked that the record reflect that he has no reason to presume that Mr. Wells is guilty of any crime whatsoever, since, to his knowledge, he has not been convicted of a crime. He added that the responsibility of Council as elected officials is to support and uphold the Constitution of this country which includes the provision that requires assuming that a citizen is innocent until proven guilty. He stated that Council is not being asked to zone or rezone Mr. Wells; zoning outlives the present owner of any piece of property, which has been his concern about this issue all along, as well as his concern on numerous zoning issues that have come before the Council; and he deeply resents any implication that his vote is being influenced by unsubstantiated speculation.**

**Mr. Harris advised that since the matter came before Council at its last meeting, he has received numerous correspondence and telephone calls from citizens; whereupon, he requested the opportunity to follow up on certain concerns and issues that have been raised with City staff.**

**Mr. Harris offered a substitute motion that the matter be tabled until the next regular meeting of Council on Monday, May 20, 2002, at 2:00 p.m. The motion was seconded by Mr. Hudson and adopted, Council Members White and Bestpitch voting no.**

**BUDGET-CITY COUNCIL: Mr. Carder offered the following resolution establishing the date of a Special Meeting of the Council of the City of Roanoke on Monday, May 13, 2002, at 2:00 p.m., in the City Council Chamber, for the purpose of considering and enacting measures regarding the fiscal year 2002-03 budget:**

**(#35823-050602) A RESOLUTION establishing the date of a Special Meeting of the Council of the City of Roanoke.**

**(For full text of Resolution, see Resolution Book No. 65, page 548.)**

**Mr. Carder moved the adoption of Resolution No. 35823-050602. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Carder, Wyatt, Hudson, White, Harris, Bestpitch and Mayor Smith-----7.**

**NAYS: None-----0.**

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF COUNCIL:**

**ACTS OF ACKNOWLEDGEMENT: By consensus of Council, the "Shining Stars Recognition Program" was approved for implementation.**

**CITY MANAGER COMMENTS:**

**BUDGET-CELEBRATIONS: The City Manager encouraged citizens of the Roanoke Valley to take advantage of the many cultural activities/festivities offered by the City of Roanoke.**

**She advised that Council is currently participating in the fiscal year 2002-03 budget process, budget study sessions will be held on May 9 and 10, 2002, and the budget is scheduled for adoption by Council on Monday, May 13, 2002 at 2:00 p.m. She further advised that later in the day, Council will receive a briefing on revenue/revenue adjustments, and asked that citizens be mindful of budget concerns as the City prepares for fiscal years 2002-03 and 2003-04.**

**HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between citizens and Council Members and matters requiring referral to the City Manager will be referred immediately for response, report and recommendation to Council.**

**TRAFFIC-COMPLAINTS-STREETS AND ALLEYS:** Ms. Pat Gordon, 3204 Christian Avenue, N. E., spoke with regard to cruising on Williamson Road, N. W., and Winsloe Avenue, N. E. She presented a petition signed by 21 persons also expressing their concerns. She referred to loud noise from car radios, improperly altered exhaust systems on vehicles, and stereos from the trunks of vehicles which vibrate walls, etc. She asked that Council enforce the noise ordinance by instructing police officers to patrol the neighborhood and to issue tickets to those persons in violation in an effort to curtail noise and other unfavorable activities.

The Mayor advised that he has recently received a complaint from residents at the corner of Trinkle Avenue and Winsloe Avenue, N. E.

Ms. Wyatt called attention to a similar problem in Roanoke County in the Boxley Hills area where it became necessary to gate the street. She stated that gating off the appropriate streets at Williamson Road might begin to solve the problem, and asked that other creative ways be studied to address the matter in addition to issuing citations by police officers.

It was the consensus of Council to refer the matter to the City Manager for report within 30 days.

At 4:00 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., for a briefing with regard to Fiscal Year 2002 revenue, with potential changes to proposed Fiscal Year 2003.

At 4:05 p.m., the Council meeting reconvened in Room 159, with all Members of the Council in attendance, Mayor Smith presiding.

**BUDGET-TAXES:** The Director of Finance referred to his communication under date of May 3, 2002, in which he advised that the Commissioner of the Revenue is currently processing assessments and finalizing the tax levy for Personal Property and Bank Stock Tax; Personal Property tax due date is May 31, and the Commissioner has just prepared the levy for Bank Stock Tax; based on assessments to date, it appears that Personal Property receipts will decline three to five per cent from the prior year, or approximately \$700,000.00 to \$1,160,000.00; based on the Bank Stock tax levy, receipts will decline from the prior year to one third, or approximately \$500,000.00; and the dramatic decline in these two local taxes, combined with other local taxes performing over budget, is expected to cause the overall category of local taxes to perform under budget for fiscal year 2002 by approximately \$800,000.00.

He called attention to an administrative hold that was placed on approximately \$2.0 million of appropriations; the intent of which was to allow the opportunity to take action on specific adjustments, if needed, during the last quarter of the fiscal year to compensate for any potential declines in revenues. He pointed out that in normal budget years, there typically are unspent appropriations and with the foresight of the action taken during the first quarter of the fiscal year, the City is not in danger of having an overall budget deficit for fiscal year 2002; and the anticipated impact would be a significantly small CMERP balance than is traditional.

The Director of Finance advised that based on previous year growth trends, revenue estimates were developed for fiscal year 2003 for Personal Property and Bank Stock from what was believed to be a conservative standpoint; and the extent of decline of these two taxes was not anticipated, thus, it is believed to be prudent to reduce estimates in the Recommended Fiscal Year 2003 budget. He stated that the Finance Department is working with the Commissioner of the Revenue to confirm assessments to date and with the Office of Management and Budget to develop a strategy to minimize the impact of any proposed reduction on priority expenditure items included in the Recommended Budget.

Mr. Hall reviewed charts showing an average five year growth through fiscal year 2001 for the following taxes: 4.2% - real estate tax, 4.4% - personal property tax, 3.1% - sales tax, 3.2% - utility taxes (includes electricity, gas, water, telephone and cellular telephone), 4.5% - business, professional and occupational license, 4.1% - prepared food and beverage tax, and 16.3% - and bank stock tax.

He advised that based on current projections, fiscal year 2002 local tax revenues will under perform the estimate by approximately \$800,000.00; personal property decline of three to five per cent is primarily responsible for the entire category of local taxes underperforming the budget; bank stock tax has also under performed the budget by \$.2 million; other local taxes that have performed in excess of their estimates offset some of the declines; and in a September 27, 2001 letter to Council, administrative holds of approximately \$2.0 million were announced in anticipation of a potential economic decline.

Mr. Hall explained that a review of the fiscal year 2003 recommended budget is necessitated by the declines in fiscal year 2002 of the personal property and bank stock taxes. In regard to the personal property tax, fiscal year 2003 estimate was developed assuming one per cent growth in fiscal year 2002 and fiscal year 2003; the decline of three to five per cent will require the fiscal year 2003 estimate to be reduced, with an impact reduction of \$1.4 million; fiscal year 2003 estimate conservatively established Bank Stock Tax at a level below fiscal year 2001 actual receipts; and the under performance in fiscal year 2002 by \$.2 million will require the fiscal year 2003 estimate to be reduced, with an impact of \$.4 million.



**Mr. Hall made the following points:**

**Real estate taxes are on target.**

**Last year was a record year for automobile sales due to incentives that were offered. Contrary to the declining economy, there were strong automobile sales which was believed would offset the decline in investment in equipment by businesses; however, that did not prove to be the case and there was not an increase in personal property receipts generated from investment in automobiles by private citizens. There is a reasonable decline in the personal property tax being generated from businesses in the form of machine and tools and business personal property; therefore, between a 3.5 and 5 per cent decline from this years' receipts to last years' receipts is anticipated. When the decline is compared to what the City anticipated would be a one per cent growth in fiscal year 2002 and a one per cent growth in fiscal year 2003, there is approximately a \$1.4 million spread between what is projected for the current year and what is projected for the upcoming year.**

**Personal property is the City's second largest revenue source, and the City lost a large tax paying company last year in the Roanoke Centre for Industry and Technology. Personal property from businesses are assessed at six per cent of the value in the year in which they are new, which depreciates ten per cent per year (the first year valued at 60 per cent, the second year at 50 per cent, the third year at 50 - 40 per cent and value floors at 20 per cent). Therefore, it is important to have reasonable investment ongoing to offset any decline in value that businesses are assessed pursuant to City Code provisions. Evidence reveals that the investment was not present this year to offset the decline in personal property receipts, and private automobile purchases.**

**The City is requesting a count of automobiles registered in the City of Roanoke from the Division of Motor Vehicles. The Commissioner of the Revenue receives a periodic report from the DMV for automobiles that are purchased and registered with the DMV that are domiciled in the City**

of Roanoke, which is used as an audit tool to ensure that citizens have filed their returns. The City Manager clarified that the DMV provides the City with a list of monthly new car transactions, but a list of every vehicle domiciled in the City of Roanoke is not normally provided to the localities; however, since this is an extraordinary situation, the Commissioner of the Revenue has been requested to submit a request for the information through the DMV. She advised that the Treasurer has made a local contact with the DMV and has been advised that it is possible to obtain the information and the City is willing to bear the necessary costs.

Neighboring localities are not experiencing this kind of reduction, but instead are holding their own, or have incurred a slight increase, and other urban communities in Virginia are not experiencing this type of decline.

The Municipal Auditor advised that it has been difficult to pull all of the numbers together with exonerations, billings, deletions and disposals; business personal property taxes appear to be more of the problem which is mixed in with furniture and fixtures, vehicles and machinery and tools tax; and a review has been conducted of those businesses that filed taxes in the 2001 tax year, but did not file in 2002, and it was discovered that approximately 198 businesses did not file this year as compared to last year. According to the Virginia Employment Commission; he stated that the City of Roanoke Economic Development Department has reported for the first three fourths of the 2001 calendar year, the City lost a net of approximately 65 businesses.

The Treasurer stated that the DMV counts motor vehicles on January 1 and July 1 of each year and if counts are needed in between those periods of time, a request must be filed for a program to be prepared by the Commonwealth of Virginia, and the requesting locality must fund all costs associated with preparing the program.

Mr. Hall advised that a 1.4 per cent reduction in the revenue estimate is recommended for fiscal year 2003 for personal property tax, bringing the figure down to \$22.3 million; whereupon, the City Manager advised that City staff will continue to work the numbers prior to Council's budget study session scheduled for Thursday, May 9; staff will submit a budget to Council that is balanced with a lesser number for personal property tax and bank stock tax; however, in making the adjustments, the City will be even more limited in its ability to make other adjustments because any flexibility in the fiscal year 2003 proposed budget will be eliminated in order to address these two revenue issues.

**The Commissioner of the Revenue called attention to a shortfall in the State's revenue of \$3.5 billion, the Federal Government is projecting a shortfall of \$215 billion for the upcoming year which will affect all citizens because buying habits will be different, and persons will not receive the same amount of returns on their investments in stocks, mutual funds, etc., therefore, they may not purchase new vehicles.**

**Mr. Hall advised that the business license tax is on track with budget, and prepared food and beverage tax is also on target, averaging a little over four per cent growth per year. He further advised that the bank stock tax is down from \$1,560,000 in 2001 to approximately \$1 million in 2002. He called attention to a conversation with a local banking representative who advised that deposits have not moved out of the City of Roanoke, nor has the amount of tax paid by the bank declined; however, because of the merger of two banks in the local area, a study was conducted to identify locations of deposits throughout the state and it was discovered that the City of Roanoke received the benefit in previous years of over stated deposits which is a reason for the present decline in bank stock tax.**

**In summary, the Director of Finance explained that for the fiscal year 2003 budget, personal property tax and bank stock tax are on the decline in the range of \$1.4 million for personal property tax, and approximately \$400,000.00 for bank stock tax, for a total impact of \$1.8 million reduction in the revenue estimate for fiscal year 2003.**

**The City Manager advised that the numbers will be worked until Thursday, May 9, when Council convenes in 2002-2003 budget study session; however, as the decrease in revenue relates to the budget of the Roanoke City Schools, based on the funding formula for sharing local growth, the \$1.8 million could represent a reduction of \$655,000.00 to the school budget.**

**Vice-Mayor Carder, one of the City's representatives to the First Cities Coalition, called attention to the need to send a strong message that if the City of Roanoke continues to fund shortfalls from the State, at some point in time the State must be held accountable. He stated that citizens need to understand that when there are no surpluses and when the City is forced to cut school budgets and public service jobs, citizens should express their concerns at the state level. He added that the only way citizens will understand the pressure that local municipal officials operate under is to start cutting services. He advised that the City does not have the power to raise revenues creatively, which is a topic that Council should discuss as a part of its budget study sessions beginning on Thursday morning.**

**At 5:15 p.m., the Mayor declared the meeting in recess to be reconvened in Closed Session in the City Council's fourth floor Conference Room.**

At 5:40 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, with the exception of Council Member White, who left the meeting during the Closed Session.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Carder moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER:** The Mayor advised that there is a vacancy on the Hotel Roanoke Conference Center Commission, due to expiration of the term of office of John H. Parrot on April 12, 2002; whereupon, he opened the floor for nominations.

Mr. Carder placed in nomination the name of Darlene L. Burcham, City Manager.

There being no further nominations, Darlene L. Burcham, City Manager, was appointed as a Commissioner of the Hotel Roanoke Conference Center Commission, for a term ending April 12, 2006, by the following vote:

**FOR MS. BURCHAM:** Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-YOUTH:** The Mayor advised that the terms of office of Sherman A. Holland and James H. Smith as members of the Youth Services Citizen Board expired on May 31, 2002, and called for nominations to fill the vacancies.

Mr. Carder placed in nomination the names of Sherman A. Holland and James H. Smith.

There being no further nominations, Messrs Holland and Smith were reappointed as members of the Youth Services Citizen Board, for terms ending May 31, 2005, by the following vote:

**FOR MESSRS HOLLAND AND SMITH:** Council Members Carder, Wyatt, Hudson, Harris, Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

**OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY:** The Mayor advised that there is a vacancy on the Roanoke Redevelopment and Housing Authority, created by the death of Willis M. Anderson for a term ending August 31, 2002, and called for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Beverly T. Fitzpatrick, Jr.

There being no further nominations, Mr. Fitzpatrick was appointed as a member of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2002, by the following vote:

**FOR MR. FITZPATRICK:** Council Members Carder, Wyatt, Hudson, Harris Bestpitch and Mayor Smith-----6.

(Council Member White was absent.)

**VIRGINIA MUNICIPAL LEAGUE:** It was the consensus of Council that the following persons would be nominated to serve on Virginia Municipal League Policy Committees:

Environmental Quality  
Finance  
General Laws  
Human Development and Education  
Transportation

Mayor Ralph K. Smith  
Jesse A. Hall  
William M. Hackworth  
Linda F. Wyatt  
Vice-Mayor William H. Carder

At 5:50 p.m., the Mayor declared the meeting in recess to be reconvened at 8:30 a.m., on Thursday, May 9, 2002, in Room 159, Noel C. Taylor Municipal Building, for fiscal year 2002-03 budget study.